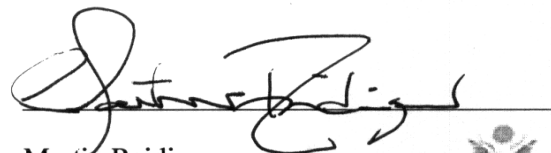


Upon careful review of the Defendant's Motion, the Court concludes that the Plaintiff has not exhausted his administrative remedies with respect to his claim to a period of disability, Disability Insurance Benefits, and Supplemental Security Income benefits, and thus, there is no "final decision" of the Commissioner that is subject to judicial review pursuant to 42 U.S.C. § 405(g). Furthermore, the Plaintiff has not alleged any reason for this Court to excuse his failure to exhaust his administrative remedies. See Heckler v. Ringer, 466 U.S. 602, 618, 104 S.Ct. 2013, 80 L.Ed.2d 622 (1984).

Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendant's Motion to Dismiss Plaintiff's Complaint For a Lack of Subject Matter Jurisdiction [Doc. 8] is **GRANTED**, and this case is hereby **DISMISSED**. A Judgment shall be entered simultaneously herewith.

IT IS SO ORDERED.

Signed: April 3, 2009


Martin Reidinger
United States District Judge

